

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEMETRIUS GOHRE,

Plaintiff,

v.

Case No. 22-CV-001403

CHAD E. BOYACK ET AL.,

Defendants.

DEFENDANTS' PROPOSED FINDINGS OF FACT

Defendants, Chad E. Boyack, Anthony Milone, Eric Kradecki, Ryan Reagan, Jose Rivera, Jesse Busshardt, Kody Wetzel, and Jonathan Caya, by their attorneys, Tearman Spencer, City Attorney, by William K. Hotchkiss, Assistant City Attorney, pursuant to Fed. R. Civ. P. 56 and Civil L. R. 56 (2), submit the following Proposed Findings of Fact in support of the Defendants' Motion for Summary Judgment.

1. On the afternoon of October 25, 2017, Officers Chad Boyack and Anthony Milone were on regular patrol in the City of Milwaukee, going east on Burleigh Street near 30th Street in a marked Milwaukee Police Department issued squad car. (Officer Boyack's Affidavit ¶ 2; Officer Milone's Affidavit ¶ 2).
2. Officers Boyack and Milone saw Mr. Gohre walking west bound on Burleigh Street. When Mr. Gohre saw the squad car, he suddenly changed directions and proceeded to walk down North 30th Street grabbing his left side pants pocket. (Officer Boyack's Affidavit ¶ 3; Officer Milone's Affidavit ¶ 3).
3. During Mr. Gohre's sudden change of directions, he was so startled that he

walked into a building. (Officer Boyack's Affidavit ¶ 4; Officer Milone's Affidavit ¶ 4).

4. Given Mr. Gohre's suspicious behavior, along with Officer Boyack and Officer Milone's training and experience as Milwaukee Police Officers, the officers reasonably suspected that Mr. Gohre was carrying a concealed weapon in his left side pants pocket without a permit. (Officer Boyack's Affidavit ¶ 5; Officer Milone's Affidavit ¶ 5).
5. Officers Boyack and Milone thought that Mr. Gohre was going to run so they turned onto 30th Street and parked our squad car. Upon exiting the squad car, they made several attempts to make contact with Mr. Gohre. (Officer Boyack's Affidavit ¶ 6; Officer Milone's Affidavit ¶ 6).
6. Officers Boyack and Milone gave several commands to Mr. Gohre to stop, which were ignored. Officers were eventually able to catch up to Mr. Gohre. Then, Mr. Gohre began screaming at Officers Boyack and Milone, "do not touch me". (Officer Boyack's Affidavit ¶ 7; Officer Milone's Affidavit ¶ 7).
7. At this time, Officers Eric Kradecki, Ryan Reagan, Jose Rivera, Jesse Busshardt, Kody Wetzel, and Jonathan Caya came over to assist us. (Officer Boyack's Affidavit ¶ 8; Officer Milone's Affidavit ¶ 8).
8. Officers attempted to explain to Mr. Gohre why he was being stopped and searched, but Mr. Gohre became more combative and began to swear at the officers. (Officer Boyack's Affidavit ¶ 9; Officer Milone's Affidavit ¶ 9).
9. Due to Mr. Gohre's behavior, Officer Reagan and Officer Wetzel began assisting Officers Boyack and Milone in getting control of his arms so they could complete

a safe pat down. (Officer Boyack's Affidavit ¶ 10; Officer Milone's Affidavit ¶ 10).

10. After the pat down was completed, Officers discovered that Mr. Gohre was not in possession of a firearm. (Officer Boyack's Affidavit ¶ 11; Officer Milone's Affidavit ¶ 11).
11. Mr. Gohre continued to be combative after that pat down, and was therefore placed into custody and conveyed to District 5. (Officer Boyack's Affidavit ¶ 12; Officer Milone's Affidavit ¶ 12).
12. Upon Mr. Gohre's arrival, a citation for obstruction was issued to him and then he was released from custody. (Officer Boyack's Affidavit ¶ 13; Officer Milone's Affidavit ¶ 13).

Dated and signed at Milwaukee, Wisconsin this 5th day of October, 2023.

TEARMAN SPENCER
City Attorney

s/William Hotchkiss
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